

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

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## OPINION 238

Validation, under the Plenary Powers, of the generic name *Cercopithecus* as from Linnaeus, 1758 (Class Mammalia) (correction of an error in *Opinion* 104)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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## OPINION 238

### VALIDATION, UNDER THE PLENARY POWERS, OF THE GENERIC NAME "CERCOPITHECUS" AS FROM LINNAEUS, 1758 (CLASS MAMMALIA) (CORRECTION OF AN ERROR IN "OPINION"

104)

**RULING** :—(1) Under the Plenary Powers the generic name *Cercopithecus* (Class Mammalia) is hereby validated as from Linnaeus, 1758, and *Simia diana* Linnaeus, 1758, is designated as the type species of the nominal genus so named.

(2) As validated under (1) above and with the above species as type species, the name *Cercopithecus* Linnaeus, 1758 (gender of name : masculine) entered in the *Official List of Generic Names in Zoology* in accordance with the direction in *Opinion* 104, is hereby confirmed in its position in that *List*.

(3) The specific name *diana* Linnaeus, 1758, as published in the combination *Simia diana*, is hereby placed on the *Official List of Specific Names in Zoology* as Name No. 56.

(4) The name *Cercopithecus* Brünnich, 1771, is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* as Name No. 61.

### I.—THE STATEMENT OF THE CASE

In December 1943, Mr. Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, discovered, when checking the entries in the *Official List of Generic Names in Zoology*, that the entry on that List of the name *Cercopithecus* Linnaeus, 1758 (Class Mammalia) made in accordance with the directions in the Commission's *Opinion* 104 was

incorrect, there being under the *Règles*, no such generic name. A note was accordingly made that this matter would require to be examined by the International Commission before the *Official List* could be published in book form. When in the spring of 1938 Mr. Hemming was preparing outstanding applications for consideration by the International Commission at the Session arranged to be held at Paris later in that year, he drew up the following note on the present case which on 15th May 1948 he placed on the File Z.N.(S.) 333, which had been opened for this purpose :—

### The generic name “*Cercopithecus*”

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

In preparing the *Official List of Generic Names in Zoology* for publication in book-form, I have found an erroneous entry in *Opinion* 104 (1928, *Smithson. misc. Coll.* 73 (No. 5) : 28) in regard to the name *Cercopithecus*. This generic name is there stated to have been published by Linnaeus in 1758 on page 26 of the 10th edition of the *Systema Naturae*. It is also stated in *Opinion* 104 that the type species of this genus is *Simia diana* Linnaeus, 1758 (*Syst. Nat.* (ed. 10) 1 : 26) “tsd. 1926”, i.e. “type by subsequent designation” by some (unstated) author in 1926.

2. Reference to the 10th edition of the *Systema Naturae* shows that Linnaeus never published a generic name *Cercopithecus*. What he did was to establish a genus *Simia* (: 25) and to divide the species placed by him in that genus into three groups, to which he applied terms in the nominative plural, the third group being separated under the term *Cercopitheci*. About the same time that the Commission adopted *Opinion* 104, it began a study of the problem represented by terms of this kind used by Linnaeus to denote groups of species within given genera. The discussions on this subject were protracted and it was not until 1936 that the *Opinion* (*Opinion* 124) giving the Commission's decision was published (1936, *Smithson. misc. Coll.* 73 (No. 8) : 1—2). In this *Opinion* the Commission gave the following ruling :—“The various Subdivisions of genera published by Linnaeus in 1758 are not to be accepted as of this date (1758) as of subgeneric value under the International Rules”.

3. In view of *Opinion* 124, it is clear that there is no such generic name as *Cercopithecus* Linnaeus, 1758, and that the entry of this alleged generic name on the *Official List* in *Opinion* 104 is incorrect.

4. It should be noted however that the later *Opinion* 124 contains the text of a paragraph which it is there stated that the Commission adopted

in the Minutes of the Meeting which it held on 30th August 1930 during its Padua Session, which, although forming the basis of the decision recorded in this *Opinion*, contains an important pronouncement of policy which, it must be presumed through inadvertence, was not included in the ruling given in the so-called "Summary". This paragraph reads as follows :—

After a discussion of the so-called subgenera in Linnaeus, 1758a, the Secretary was instructed to prepare an *Opinion* to the effect that these are not subgenera, but if any group of specialists finds that because of the literature on said group this *Opinion* will produce greater confusion than uniformity the Commission is prepared to take up individual cases under arguments which may be submitted.

5. It is quite clear that in taking its decision on the general issue the Commission, in *Opinion* 124, overlooked the fact that it had already accepted, and placed on the *Official List* as an available name, a term of the kind which under that *Opinion* it rejected as possessing no status in zoological nomenclature. It may be presumed that, if the Commission had then recalled its action in regard to the so-called generic name *Cercopithecus* Linnaeus, 1758, it would, at the time of the adoption of *Opinion* 124, have proceeded to validate the name *Cercopithecus* under the procedure laid down at Padua (quoted in paragraph 4 above).

6. The question which has now to be considered is what action should be taken to correct the erroneous entry in *Opinion* 104. Broadly speaking, there are only two possible courses of action open to the Commission, namely :—(1) to use its Plenary Powers to validate the name *Cercopithecus* as from Linnaeus, 1758 ; (2) to ascertain, by a search of the literature undertaken in conjunction with specialists in the Primates, what is the first valid use of the word *Cercopithecus* as a generic name, and, having done so, to substitute the name so ascertained for the erroneous entry of *Cercopithecus* Linnaeus, 1758, made in the *Official List* in *Opinion* 104. The second of these courses is open to the objection that in a case of this kind it is always possible, however careful the search made of the old literature, that some ancient use of a name may have been overlooked. Moreover, quite apart from this risk, there is the further danger that the oldest use of such a name may not have been in harmony with what is now currently accepted nomenclatorial usage and therefore that the adoption of the name as so published would not avoid the need for the use by the International Commission of its Plenary Powers, for they would still be necessary for the purpose of varying the type species of the genus concerned in order to avoid undesirable name-changing. For these reasons, I am of the opinion that the best course in the present case would be to resort to the procedure laid down by the Commission at its meeting held at Padua on 30th August 1930, that is, that it should use its Plenary Powers to validate the name *Cercopithecus* as from Linnaeus, 1758.

7. There remains the question of the action to be taken for determining the species to be accepted as the type species of the genus *Cercopithecus*. If, as proposed above, the Plenary Powers are used to clothe with availability the at present non-existent generic name *Cercopithecus* Linnaeus, 1758, the position will be that the nominal genus so named will be without a type species, as any type selections which may have been made for it must have been invalid, since it is obviously impossible to make a valid type selection for a non-existent nominal genus. The Commission will therefore be perfectly free to designate, as the type species of *Cercopithecus* Linnaeus, 1758, when validated under the Plenary Powers, whatever species would, in its opinion, best harmonise with current nomenclatorial practice. In view of the fact that ever since the publication of *Opinion* 104 in 1928 the species *Simia diana* Linnaeus, 1758, has been on record in the *Official List* as the type species, I suggest that that species should be designated by the Commission to be the type species of *Cercopithecus* when that name is validated under the Plenary Powers.

8. I accordingly recommend that the erroneous entry of the name *Cercopithecus* Linnaeus, 1758, made in the *Official List* in *Opinion* 104 should be rectified by the validation of that name by the Commission under its Plenary Powers as from Linnaeus, 1758. I further recommend that at the same time the Commission should designate *Simia diana* Linnaeus, 1758, to be the type species of the nominal genus so named.

## II.—THE SUBSEQUENT HISTORY OF THE CASE

2. The problem of the name *Cercopithecus* arose at Paris independently of the note prepared by Mr. Hemming, for that name was one of the nine new generic names in Brünnich's *Zoologiae Fundamenta*, the status of which formed the subject of an application which had been submitted to the International Commission by Mr. R. Winckworth at the end of 1943. Accordingly, as soon as the Commission had dealt with Mr. Winckworth's application by according recognition to Brünnich's *Zoologiae Fundamenta* for nomenclatorial purposes,<sup>1</sup> it decided at once to take into consideration the problems raised by those of the new generic names published in that work which had already been subjected to careful study. The fact that consideration of the name *Cercopithecus* Brünnich, 1771, involved

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<sup>1</sup> See *Opinion* 236 (pp. 329—342).

also consideration of the reputed but at that time non-existent name *Cercopithecus* Linnaeus, 1758, made it necessary in this instance to make use of the facilities afforded by the decision taken earlier in the Paris Session (1950, *Bull. zool. Nomencl.* 4 : 7—8) to suspend the By-Laws of the Commission for the duration of that Session.

### III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

3. The present application was considered by the International Commission on Zoological Nomenclature at the Twelfth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 1445 hours. The following is an extract from the Official Record of the Proceedings of the International Commission, setting out the decision reached by it in this case at the foregoing meeting (Paris Session, 12th Meeting, Conclusion 4) (1950, *Bull. zool. Nomencl.* 4 : 310—311) :—

THE COMMISSION agreed :—

- (1) to use their Plenary Powers to validate the name *Cercopithecus* as from Linnaeus, 1758, and to designate *Simia diana* Linnaeus, 1758, as the type species of this genus ;
- (2) to confirm, in the light of (1) above, the (previously erroneous) entry of the name *Cercopithecus* Linnaeus, 1758 (type species as specified in (1) above), made in the *Official List of Generic Names in Zoology* in accordance with the directions given in *Opinion* 104 ;
- (3) to place the specific trivial name *diana* Linnaeus, 1758 (as originally published in the combination *Simia diana*) on the *Official List of Specific Trivial Names in Zoology*, and the name *Cercopithecus* Brännich, 1771, on the

*Official Index of Rejected and Invalid Generic Names  
in Zoology ;*

- (4) to render an *Opinion* setting out the decisions recorded in (1) to (3) above.

4. The following are the original references for the names which appear in the decision set out in the immediately preceding paragraph :—

*Cercopithecus* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 26

*Cercopithecus* Brünnich, 1771, *Zool. Fund.* : 40, 34

*diana*, *Simia* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 26.

5. The gender of the generic name *Cercopithecus* Linnaeus, 1758, referred to in the decision quoted in paragraph 3 above, is masculine.

6. The decision reached in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Fourth Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 98—100).

7. The Ruling in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

8. The Ruling in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.



9. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.*: 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

10. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

11. The present *Opinion* shall be known as *Opinion* Two Hundred and Thirty-Eight (238) of the International Commission on Zoological Nomenclature.

DONE in London this Tenth day of December, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**

